



Sairaj

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3723 OF 2025**

Kisan Haridwar Rao

...Applicant

Versus

The State of Maharashtra

...Respondent

**Mr. Veerdhaval Kakade, Mr. Kunal Rathod, for the Applicant.
Ms. Poonam P. Bhosale, APP, for the Respondent-State.
Mr. Dewale, P.I. and Mr. Sawant, PSI, from Sewree Police
Station present.**

**CORAM Dr. Neela Gokhale, J.
DATED: 26th September 2025**

PC:-

1. The Applicant seeks his release on bail in connection with C.R. No. 245 of 2024 dated 25th August, 2024 registered with Sewree Police Station, Mumbai for offences punishable under Section 109 of Bharatiya Nyaya Sanhita, 2023 and under Sections 4, 25 of Arms Act, 1959.

2. The first informant is one Deepak Jawahar Gaud. He has stated in his complaint that on 23rd August, 2024 at around

12:00 a.m. in the night, there was an altercation between the Complainant and the Applicant pertaining to the area where the Applicant and father of the complainant were sleeping. It appears that the disgruntlement continued and on 25th August, 2024, while the complainant was sleeping at night on an iron cot next to his cousin namely Harinder Gaud, the Applicant attacked him. He was suddenly roused from sleep by somebody hitting him with metal road. On waking up, he saw that it was the Applicant holding an iron sickle and was trying to hit the Complainant. He tried to defend himself and started shouting for help. His cousin brother tried to help him but the Applicant assaulted him as well. There was a grievous injury on his nose. Despite his shouts, the Applicant continued the assault. In the said assault, Harinder Gaud also suffered injuries on his little finger on the left hand. Two other fingers were also cut off. Harinder Goud tried to run away, but the Applicant caught the Complainant and again hit his back with sickle. He suffered grave injuries. The Applicant also ran behind the Complainant with sickle and assaulted him on the left side of his waist, on his shoulders, on his chest

and below his left ear. Thereafter, when other people came, the Applicant ran away. In the circumstances, the First Informant made a complaint to the police and consequently, First Information Report came to be registered. The Applicant made a Bail Application before the Trial Court, but by order dated 18th August, 2025, the same was rejected. Hence, he has filed the present Bail Application seeking the reliefs as prayed.

3. Mr. Veerdhaval Kakade, learned counsel appearing for Applicant submits that the only injury found on the complainant and his cousin are laceration and injuries are not grievous. He also submits that the said injuries are not consistent with the weapon i.e., the sickle recovered at the behest of complainant. He also points to medical report which according to him is also not consistent with the story of the Complainant. He points to the personal history given by the Complainant to the Medical Officer which records that there were 3 to 4 assailants contrary to the statement made by the Complainant that there was only one assailant, i.e., the Applicant. He thus, says that in view of the vital discrepancy,

the story of the prosecution cannot be believed and *prima facie* the Applicant is not guilty of the offense as charged. He also points out to the recovery panchnama of the sickle. According to him, there were no blood stains on the sickle and hence, the C.A. report tendered by prosecution is also suspect. On all these grounds, he claims that Applicant be released on bail.

4. *Per contra*, Ms. Poonam Bhosale, learned APP representing the State also relies on the medical report which shows grievous injury to the complainant and his cousin. She has tendered a copy of the C.A. report which also reveals that the blood stains found on the sickle are matching with the blood group of the complainant. She submits that even the blood stains on the clothes recovered at the Applicant's behest match the blood group of the Applicant. She points out to the statement of eye-witnesses who have corroborated the story of complainant. She submits that Applicant was arrested on 25th August, 2024 and charge-sheet was filed on 22nd November, 2024. Although charges are not framed yet, Ms. Bhosale

submits that the next date of hearing is 10th October, 2025 on which date, charges are likely to be framed. She submits that offense is serious and hence, the Bail Application must be rejected.

5. I have heard both the counsels and perused the record with their assistance.

6. A plain reading of the statement of complainant clearly reveals a pre-meditated act. The complainant has narrated the incident quite lucidly and has identified the Applicant as the one having inflicted the injuries by attacking him and his cousin Harinder, with a sickle. The four eye-witnesses have also narrated the incident clearly as it happened. The statement of the said eye-witnesses are consistent with that as narrated by the Complainant. I have also perused the C.A. Report. The same is returned positive. The blood stains on the sickle match the blood group of the Applicant. As far the submission on behalf of the Applicant that the Panchnama does not record existence of blood stains on the sickle is concerned, I am of the view that this aspect will be considered

by the Trial Court during the trial. This is particularly, in view of the fact that the Applicant's clothes, recovered at his behest have blood stains which also match with blood group of the Applicant as per the C.A. report. The medical records in the discharge cards of the injured clearly establish that the injuries caused to Complainant and Harinder are grievous in nature. The Applicant was arrested in August, 2024 and as such, it does not appear that there is a long unjustified incarceration since the Trial Court is likely to frame charges on the next date which is 10th October, 2025. In view of the aforesaid, I am not inclined to enlarge the Applicant on bail, at this stage. It is not a case fit to be granted the bail. Hence, the Bail Application is rejected.

7. It is made clear that the observations in the present order are confined to the present Bail Application and the Trial Court should decide the matter on its own merits uninfluenced by the remarks made in the present order.

(Dr. Neela Gokhale, J)